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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,390	05/03/2001	Tuomo Juvakka	11001.075	3090

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EXAMINER

HASTINGS, KAREN M

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 06/03/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

831390

Applicant(s)

Juvakka et al

Examiner

HASTINGS

Group Art Unit

1731

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 1-7-02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-5 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☒ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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Claims 1-5 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 5 is a duplicate of claim 4 - it appears applicants intended to cancel claim 5 but have not since the instruction says ~~Replace~~ ^{Amend} claims 1-4". Please review and affirmatively cancel claim 5.

Claim 1 is indefinite; it is not appropriate to use the phrase "particularly" as used on line 1, this phrase needs to be deleted as it renders the claim indefinite. Furthermore, the entire claim is unclear in that it appears that the combination of the double doctor setup with a suction roll is intended, yet this combination is not positively claimed. It is suggested that claim 1 line 1 "for" be changed to --in combination with-- in order to positively claim the combination. Otherwise the recitations that relate to the relationship of the doctor to a suction roll are mere intended use and do not define structural limitations on this claim.

Claim 1 line 2 "intended" should be --structured and arranged-- in order to more positively recite this function. Claim 1 lines 7-8 "which is as such known" appears to be unnecessary and confusing and it is suggested this phrase be deleted. Claim 1 line 11 there is no antecedent basis for "the

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imagined . . ." - it is suggested --an-- be used instead of "the".

It is also confusing to call the combination of two doctor blades "a doctor" since one would normally envision that a doctor is a single doctor blade, not two doctor blades. It is suggested --a double doctor-- be used as is referenced on page 1 paragraph 3 of the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a),

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the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103(a).

Claims 1-~~4~~ are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Boucher.

Boucher teaches a double doctor for a paper making roll. Note as shown in Figure 3 and discussed at column 4 lines 6-12 the positions of the blades may be 15° apart. Note column 1 lines 9-14 teach that the machine rolls can be used during the press, forming etc. of the paper manufacturing process. Thus one would immediately envision that this double doctor could be used for a suction roll but in any event, since these claims do not clearly claim the combination of the double doctor with a suction roll, these claims do not even require the presence of a suction roll. Thus the Examiner's position is that a double doctor as shown in Figure 3 of Boucher indeed meets all the limitations of

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structure that is set forth in claim 1. Note it is the Examiner's position that it is inherent that these doctor blades could function to remove water from a suction roll if indeed structurally that is even required. Note also that merely using the terminology "doctor slat" does not structurally define over a doctor blade. (If even necessary note that Kivimaa et al. which is commonly assigned teaches a doctor slat ^{and} ~~which~~ it also uses the term "doctor blade" for the structure of the doctor slat. Thus clearly there is no inherent structural distinction between a doctor blade and a doctor slat). Any differences that may be gleaned from the current claim language are deemed to be prima facie obvious.

Note further that the dictionary definition of slat is merely "a narrow strip of metal or wood".

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over applicants' admission of prior art at page 1 of the specification (AAPA) as necessary with Kivimaa et al., and further in view of Boucher, if necessary further with Turtinen et al and/or WO 279.

Applicants admit on page 1 of the specification that a suction roll doctor, that is a doctor slat which scrapes water off a suction roll, is known. This admission appears to be exemplified by Kivimaa et al.. Applicants further admit in the third paragraph that a double doctor has been used for similar

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use (that is to remove water from a suction roll). It appears that applicants are saying that this prior art double doctor did not however use a "doctor slat" as taught in Kivimaa et al. to be particularly useful for taking water off of a suction roll. However it is the Examiner's position that it would have been prima facie obvious to use such a doctor slat -if indeed the claims even structurally require the use of same by merely using the term "doctor slat"- in order to obtain the advantageous effects of a doctor slat as taught in Kivimaa et al. in a double doctor as admittedly known for removing water from a suction roll.

To optimize the spacing between the two doctor blades/slat and blade would have been within the level of ordinary skill in the art in order for both blades to function effectively and efficiently. However as even necessary, Boucher is cited since Boucher explicitly teaches that an angle of 15° between two doctor blades on a paper making roll is an appropriate spatial relationship. Thus to have used an angular spacing of 15° or more between the double doctor of the admitted prior art (and as necessary to have used a doctor slat as the first doctor blade as taught to be an advantageous doctor blade for a suction roll by Kivimaa) would have been prima facie obvious to one of ordinary level of skill in the art in order to obtain an appropriate spacing as taught in Boucher.

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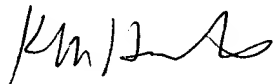
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Dependent claims are shown or suggested by the references. Note Turtinen et al. and WO 279 are cited if even necessary to further show the conventional use of double doctors for paper making rolls. Note particularly that WO 279 teaches double doctors on suction rolls are known (see page 2 lines 7-10).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hastings whose telephone number is (703) 308-0470. The examiner can normally be reached on Monday through Thursday from 6:30 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steve Griffin, can be reached on (703) 308-1164. The fax phone number for this Group is (703) 305-7115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0651.



Karen M. Hastings
Senior Primary Examiner
Art Unit 1731

5/2002

KMH/cdc

5/30/2002